



02 JUL 2002

Atty Dkt. No. P67671US0

THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of: Wolf-Georg FORSSMANN et al.

Serial No.: 10/069,128

Filed: March 4, 2002

For: USE OF NATRIURETIC PEPTIDES AS ANTIBIOTICALLY ACTIVE SUBSTANCES  
FOR THE TREATMENT OF BACTERIAL INFECTIONS

### TRANSMITTAL

Commissioner for Patents  
Box PCT  
United States Patent and Trademark Office  
Washington, D.C. 20231

Sir:

Transmitted herewith are Response to Notice to Comply with Sequence Rules And Request to Replace Defective Notice to Comply with Sequence Rules, including copy of Notification of Missing Requirements mailed May 15, 2002, Sequence Listing, computer readable form (computer diskette), in duplicate, of Sequence Listing, and Amendment, in the above-captioned application.

\_\_\_ Small Entity status of this application under 37 CFR 1.9 and 1.27 has been established by a statement previously submitted.

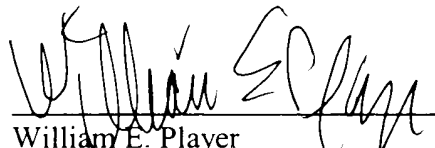
\_\_\_ A check in the amount of \$ \*\*\*\*\* is attached for: excess total claims fee

XX If a Petition for Extension of Time is necessary and the Petition and/or the check is not enclosed, this will act as the Petition and applicant herewith petitions the Commissioner to extend the time for response and charge any fees necessary under 37 CFR 1.17 (a)-(d) to Deposit Account No. 06-1358. The Commissioner is also authorized to charge payment of any other additional fees associated with this communication or credit any overpayment to Deposit Account No. 06-1358.

JACOBSON HOLMAN PLLC  
400 Seventh Street, N. W.  
Washington, D.C. 20004-2201  
Atty. Dkt. No.: P67671us0  
Date: July 2, 2002  
WEP:rdt

R:\HOME\rthomas\2002 July P67671US0-TRANS.wpd

By:

  
William E. Player  
Registration No. 31,409

Atty. Docket No.: P67671US0

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of: Wolf-Georg FORSSMANN et al.

Serial No.: 10/069,128

Filed: March 4, 2002

For: USE OF NATRIURETIC PEPTIDES AS ANTIBIOTICALLY ACTIVE SUBSTANCES  
FOR THE TREATMENT OF BACTERIAL INFECTIONS

**RESPONSE TO NOTICE TO COMPLY WITH SEQUENCE RULES  
AND REQUEST TO REPLACE DEFECTIVE  
NOTICE TO COMPLY WITH SEQUENCE RULES**

Commissioner for Patents  
Box PCT  
United States Patent and Trademark Office  
Washington, D.C. 20231

Sir:

In response to the notice to comply with sequence rules 37 CFR 1.821-1.825 contained in the Notification of Missing Requirements, mailed May 15, 2002, copy attached hereto, submitted herewith are:

- 1) computer readable form (CRF) of Sequence Listing;
- 2) substitute paper copy of Sequence Listing; and
- 3) Amendment entering Sequence Listing.

The content of the computer readable form and the paper copy are the same and, where applicable, include no new matter, as required by 37 CFR § 1.821(e), § 1.821(f), § 1.821(g), § 1.825(b), or 1.825(d).

The instant response is submitted without prejudice to the instant request to replace the notice to comply because it is defective, i.e., for being self-contradictory, incorrect, and incomplete, to the extent that what is necessary to respond to the notice cannot be determined.

The notice is self-contradictory because it states that the Sequence Listing in computer readable form (CRF) "*has* been submitted" and "*has not* been submitted."

The notice is incorrect in stating that the Sequence Listing in computer readable form "*has* been submitted." No CRF of the Sequence Listing was submitted prior to mailing of the notice.

The notice is incomplete because it relies on "the *attached* marked-up copy of the 'Raw Sequence Listing,'" but no "Raw Sequence Listing" was attached to the notice.

Favorable action is requested.

Respectfully submitted,

JACOBSON HOLMAN PLLC

By:

  
William E. Player  
Registration No. 31,409

400 Seventh Street, N.W.  
Washington, D.C. 20004  
Telephone: (202) 638-6666  
Atty. Docket No.: P60840US0  
Date: July 2, 2002  
WEP:rdt  
R: HOME rthomas 2002 July P67671rsp&rqst.wpd